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Establishment of the International Criminal Court

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Note by the Secretariat concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.6/56/L.21

1. Under the terms of operative paragraph 9 of draft resolution A/C.6/56/L.21, the General Assembly would request the Secretary-General to undertake the preparations necessary to convene, in accordance with article 112, paragraph 1, of the Rome Statute of the International Criminal Court, the meeting of the Assembly of States Parties to be held at United Nations Headquarters upon the entry into force of the Statute in accordance with article 126, paragraph 1 of the Statute. Under the terms of operative paragraph 10 of the same draft resolution, the General Assembly would decide that expenses that might accrue to the United Nations as a result of the implementation of the request contained in paragraph 9 as well as expenses resulting from the provision of facilities and services for the meeting of the Assembly of States Parties and any consequent follow-up should be paid in advance to the Organization, for which an appropriate mechanism would be set up in the near future.

2. The request contained in operative paragraph 9 relates to programme 5, Legal affairs, and to programme 27, General Assembly and Economic and Social Council Affairs and Conference Services, of the medium-term plan for the period 2002-2005. No provision has been made under section 8, Legal affairs, and section 2, General Assembly affairs and conference services, of the proposed programme budget for the biennium 2002-2003 for the activities called for in the draft resolution.

3. Should the General Assembly adopt draft resolution A/C.6/56/L.21, the Secretary-General foresees requirements for Secretariat assistance and substantive support services for its implementation.

4. With respect to the assistance and the services to be rendered to the First Meeting of States Parties, it is envisaged that there would be three distinct phases giving rise to activities in various parts of the Secretariat. These phases are: the preparatory work for the meeting; the two-week meeting; and the follow-up to the

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meeting. The preparatory work would involve the normal preparation of documentation and communication exchanges in respect of an international meeting held at Headquarters. In addition, it would be necessary for certain administrative activities to be undertaken to ensure that the Organization was paid in advance an amount estimated to cover the expenses that would be incurred in servicing the meeting. In addition to the routine servicing of the meeting of the Assembly of States Parties, other tasks might be required from various parts of the Secretariat with respect to the implementation of decisions emanating from that meeting. Such tasks might include preparation and circulation of letters of nominations for the judges and the prosecutor, assistance in determining the scale of assessments of the first year budget of the Court as between States Parties to the Statute, possible establishment and administration of a bank account for the Court, preparation for a meeting of the Bureau of the Assembly of States Parties, administrative arrangements in connection with the hiring of initial personnel for the set up of the Court, etc.

5. A decision has yet to be taken by the Preparatory Commission on the organization of the First Meeting of the Assembly of States Parties. If the Preparatory Commission should decide that the normal practice of international conferences would be adopted, then there would be four meetings per day involving a plenary and working group/committee of the whole. Should the Preparatory Commission decide to follow the model it has established for itself, there would be only two meetings per day. In the light of the above, it has been necessary to consider cost estimates in respect of both scenarios.

6. Conference-servicing costs related to the First Meeting, including the provision of summary records, are estimated at $1,584,800 in the case of two meetings per day, and $1,726,800 in the case of four meetings per day. Furthermore, such estimates have been computed on the basis of the following assumptions: the meetings would be in the six official languages of the United Nations; summary records would be provided for all meetings in the six official languages of the United Nations; documentation requirements would comprise 550 pages of pre-session documents, 50 pages of in-session documents, and 550 pages of post-session documents; and all documentation would be provided in the six official languages of the United Nations.

7. Additionally, it is expected that non-conference-servicing requirements amounting to a total of $460,800, in the case of two meetings per day, would be needed in respect of the cost of temporary assistance to offset the activities to be undertaken by various offices in the Secretariat in respect of all three phases noted in paragraph 4 above. The breakdown of these estimates according to each of the three phases mentioned above is as follows: $52,000 for the first phase, $316,100 in the second phase, and $92,700 in the third phase. In the case that four meetings are held per day, the non-conference-servicing costs are estimated at $426,000, broken down as follows: $52,000 in the first phase, $281,300 in the second phase and $92,700 in the third phase. The difference of $34,800 between the two scenarios is due mainly to the fact that certain public information activities, namely radio and television coverage, could be provided by the Secretariat only in the case that two meetings are held per day.

8. Activities related to international conventions or treaties that, under their respective legal instruments, are to be financed outside the regular budget of the

United Nations may be undertaken by the Secretariat only when sufficient funding is received, in advance. Furthermore, in accordance with established procedures, the United Nations would be required to charge programme support costs at a rate of 13 per cent of conference-servicing and non-conference-servicing costs associated with such activities, to defray the indirect administrative and other support costs incurred in their implementation. Such expenses, estimated at $265,800, in the case of two meetings per day ($279,900, in the case of four meetings per day) would also be borne by the States parties.

9. Furthermore, in accordance with established policies and procedures in the United Nations, a provision of $346,700, in the case of two meetings per day ($364,900, in the case of four meetings per day), corresponding to 15 per cent of the estimated costs of the meeting (inclusive of programme support costs), would have to be made for a contingency reserve to cover eventual shortfalls and final expenditures.

10. Total requirements for the activities requested under operative paragraphs 9 and 10 of the draft resolution are thus estimated at $2,658,100, in the case that two meetings are held per day, and $2,797,600, in the case of four meetings per day. A summary of the estimated cost of the assistance and services to be rendered to the First Meeting of the Assembly of States Parties is presented in annexes I and II to the present document, the difference being related to the number of meetings during the course of the two-week period.

11. **Should the General Assembly adopt draft resolution A/C.6/56/L.21, no additional requirements would arise under the programme budget for the biennium 2002-2003. However, it would be necessary for interested States parties to take early action to begin fund-raising activities among themselves so that the required resources could be made available, on a timely basis, to the Secretariat in advance of the entry into force of the Statute. This would provide the Secretariat with all the necessary funds, as in the annexes, to give effect to the provisions of operative paragraphs 9 and 10 of the draft resolution. Any delay in such fund-raising would inevitably lead to a delay in the convening of the First Meeting of the Assembly of States Parties after the entry into force of the Statute.**

Annex I

First Meeting of the Assembly of States Parties: cost requirements of two meetings per day

	(United States dollars)[a]
(a) Conference-servicing costs	
Meeting servicing	126 800
Pre-session documentation	644 100
In-session documentation	60 100
Post-session documentation	644 100
Summary records	94 500
Other conference services	15 200
Subtotal (a)	**1 584 800**
(b) Non-conference servicing costs	
First phase	52 000
Second phase	316 100
Third phase	92 700
Subtotal (b)	**460 800**
Total ((a) + (b))	**2 044 800**
(c) Programme support costs (13 per cent)	265 800
Total ((a) + (b) + (c))	**2 311 400**
(d) Reserve for contingency (15 per cent)	346 700
Grand total	**2 658 100**

[a] All figures are rounded to the nearest $100.

Annex II

First Meeting of the Assembly of States Parties: cost requirements of four meetings per day

	(United States dollars)[a]
(a) Conference-servicing costs	
Meeting servicing	253 700
Pre-session documentation	644 100
In-session documentation	60 100
Post-session documentation	644 100
Summary records	94 500
Other conference services	30 300
Subtotal (a)	**1 726 800**
(b) Non-conference servicing costs	
First phase	52 000
Second phase	281 300
Third phase	92 700
Subtotal (b)	**426 000**
Total ((a) + (b))	**2 152 800**
(c) Programme support costs (13 per cent)	279 900
Total ((a) + (b) + (c))	**2 432 700**
(d) Reserve for contingency (15 per cent)	364 900
Grand total	**2 797 600**

[a] All figures are rounded to the nearest $100.